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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/621,136	07/20/2000	Shoichi Shigehiro	JEL 31220	3482
7590 06/08/2004 Stevens Davis Miller & Mosher LLP 1615 L Street N W Suite 850 P O Box 34387 Washington, DC 20043-4387			EXAMINER PARK, CHAN S	
			ART UNIT 2622	PAPER NUMBER
			DATE MAILED: 06/08/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/621,136

Applicant(s)

SHIGEHIRO, SHOICHI

Examiner

CHAN S PARK

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 29 and 30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 29 and 30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Applicant's amendment was received on 3/18/04, and has been entered and made of record. Currently, **claims 29 and 30** are pending.

Drawings

2. The corrected or substitute drawings were received on 3/18/04. These drawings are acceptable.

Specification

3. The corrected or substitute specification was received on 3/18/04. The specification is acceptable.

Response to Arguments

4. Applicant's arguments filed 3/18/04 have been fully considered but they are not persuasive.

In response to applicant's arguments regarding the rejection of **claims 1, 3, and 11** which are now recited in newly added **claim 29**, wherein on pages 7-9, the applicant explains how the current invention differs from the teachings of Yamada. Particularly, the applicant states that "Yamada fails to disclose the feature for each of a plurality of images, information [for] identifying an ordered turn number of the image stored in an image recording device corresponds to a code identifying a recording area in the image recording device for storing the image (page 7)." However, Examiner respectfully

disagrees with the arguments and believes that Yamada discloses all the features recited in claim 29. Referring to col. 3, lines 55-61 & col. 8, lines 7-26, Yamada teaches a method of identifying an ordered turn number of each of the images stored in the image recording device. Specifically, col. 8, lines 16-21 recites that *rearrangement* of the ordered turn number of the digital images captured by a scanner or a camera can be performed. Furthermore, Yamada teaches the method of placing each of the images in a specific position corresponding to a respective code (PosX, PosY, Rotation, and PartsNo in col. 8, lines 42-53).

Therefore, the rejection of **claims 1, 3, and 11** which now are recited in newly added **claim 29**, under 35 U.S.C. 102(e) as being anticipated by Yamada is maintained.

5. Applicant's arguments, see pages 9-11, filed 3/18/04, with respect to the rejection(s) of original claim(s) 1, 17, and 19 under 35 U.S.C. 102(e) as being anticipated by Yamada have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Cannon imageRUNNER 400/300 manual which was published in 1998 (hereinafter Cannon).

With respect to claim 30, Cannon discloses an apparatus for treating images by combining data of the image into data of a composite image (pages 3-20 & 3-21), the apparatus (copier) comprising:

an image input device (scanner used in the copying function 1-5) for reading each of the images to be converted to the data of the image;

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an image recording device for storing the respective data of the images;

an image combining device for combining the data of the images, input from the image recording device, into the data of the composite image and outputting the data of the composite image (final "copy" image in pages 3-20 & 3-21); and

a printing device (printer used in the printer function 1-5) for printing the composite image on a work-piece, on the basis of the data of the composite image (final "copy" image in pages 3-20 & 3-21), wherein:

the image input device includes picture elements (plurality of laser beams used in the scanner), each of which picture elements, each of which picture elements reads a part of each image to be converted,

an area of the part of each image to be read by each picture element is changeable in accordance with at least one of a dimension of the composite image to be printed and a dimension of each image to be read, so that the images are included in the composite image (refer to "MEMO" in page 3-20).

Referring back to page 3-20, since each sheet is fed one by one, first ones must be saved in memory before combining. Thus, the image recording device (memory) is inherently present in the apparatus. Also refer to pages 2-28 & 2-29.

Additionally, *an area of the part of each image to be read by each picture element (laser beam) is changeable (reducible) by automatically adjusting the reduction ratio of each image.*

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 29 is rejected under 35 U.S.C. 102(e) as being anticipated by Yamada.

6. With respect to claim 29, Yamada discloses an apparatus for treating images by combining data of the images into data of a composite image, the apparatus comprising:

an image recording device (storage) for storing the respective data of the image (independent digital image in col. 6, line 6); and

an image combining device (image composing means 5) for combining the data of the images, input from the image recording device, into the data of the composite image and outputting the data of the composite image (col. 5, lines 35-37 & col. 5, line 43 – col. 6, line 9), wherein:

information for identifying an ordered turn number of each of the images stored in the image recording device is attached to the corresponding data of the image (col. 3, lines 55-61; col. 8, lines 7-26 & fig. 3B), and

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the information for identifying the turn number of each of a plurality of the stored images corresponds a respective code (PosX, PosY, Rotation, and PartsNo) identifying a recording area for storing the corresponding data of the image in the image recording device (col. 8, lines 42-53).

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 30 is rejected under 35 U.S.C. 102(b) as being anticipated by Cannon.

7. With respect to claim 30, Cannon discloses an apparatus for treating images by combining data of the image into data of a composite image (pages 3-20 & 3-21), the apparatus (copier) comprising:

an image input device (scanner used in the copying function 1-5) for reading each of the images to be converted to the data of the image;

an image recording device for storing the respective data of the images;

an image combining device for combining the data of the images, input from the image recording device, into the data of the composite image and outputting the data of the composite image (final "copy" image in pages 3-20 & 3-21); and

a printing device (printer used in the printer function 1-5) for printing the composite image on a work-piece, on the basis of the data of the composite image (final "copy" image in pages 3-20 & 3-21), wherein:

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the image input device includes picture elements (plurality of laser beams used in the scanner), each of which picture elements, each of which picture elements reads a part of each image to be converted,

an area of the part of each image to be read by each picture element is changeable in accordance with at least one of a dimension of the composite image to be printed and a dimension of each image to be read, so that the images are included in the composite image (refer to "MEMO" in page 3-20).

Referring back to page 3-20, since each sheet is fed one by one, first ones must be saved in memory before combining. Thus, the image recording device (memory) is inherently present in the apparatus. Also refer to pages 2-28 & 2-29.

Additionally, an area of the part of each image to be read by each picture element (laser beam) is changeable (reducible) by automatically adjusting the reduction ratio of each image.

Conclusion


8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHAN S PARK whose telephone number is (703) 305-2448. The examiner can normally be reached on M-F 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Coles can be reached on (703) 305-4712. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

csp
May 26, 2004

Chan S. Park
Examiner
Art Unit 2622


EDWARD COLES
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600